

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,696

IN THE MATTER OF:

Served November 19, 2008

Application of RELIABLE MEDICAL	)	Case No. AP-2008-098
TRANSPORT, LLC, for a Certificate	)	
of Authority -- Irregular Route	)	
Operations	)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If the applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.<sup>1</sup> A determination of compliance fitness is prospective in nature.<sup>2</sup> The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.<sup>3</sup> Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.<sup>4</sup>

Applicant's president, Masilamony Pauliah, previously held WMATC Certificate No. 892 from September 15, 2004, until April 6, 2006, when it was revoked in Order No. 9461 for willful failure to comply with the Commission's insurance requirements.<sup>5</sup> The history of Certificate No. 892 has a bearing on this application because the past

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<sup>1</sup> *In re Academy Express, L.L.C., t/a Academy*, No. AP-07-180, Order No. 10,954 (Nov. 29, 2007).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *In re Masilamony Pauliah, t/a Reliable Medical Transport*, No. MP-05-114, Order No. 9461 (Apr. 6, 2006)

conduct of an applicant's owners and officers is relevant to a determination of applicant's compliance fitness.<sup>6</sup>

Order No. 9461 gave applicant's president until May 6, 2006, to: (1) remove from his vehicles the identification placed thereon pursuant to Commission Regulation No. 61; (2) file a notarized affidavit with the Commission verifying removal; and (3) surrender Certificate No. 892 to the Commission. Applicant's president has yet to comply.

Until such time as applicant's president complies with the requirements of Order No. 9461, we cannot say that applicant has demonstrated prospective compliance fitness.

THEREFORE, IT IS ORDERED that the application of Reliable Medical Transport, LLC, for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>6</sup> Order No. 10,954.